

10/518124
DT12 c'd PCT/PTO 15 DEC 2004

~~PATENT~~
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Ingo LÜER and Jorn LAVALAYE	Practitioner's Docket No. PAT-01077
Serial No.: This application is a National Phase application of PCT/EP2003/006883 filed 28. June 2003.	Group Art Unit: Not Assigned
Filed: December 14, 2004	Examiner: Not Assigned
For: BASE PAINTS CONTAINING FATTY ACID-MODIFIED EPOXY ESTERS AND/OR FATTY ACID-MODIFIED ALKYD RESINS, METHODS FOR THE PRODUCTION THEREOF AND THEIR USE	EXPRESS MAIL CERTIFICATE I hereby certify that the attached correspondence is being deposited with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" Mailing Label No. ER193 007 196US addressed to BOX PCT, Commissioner for Patents, PO BOX 1450, Alexandria, VA 22313-1450 on the date shown below. December 14, 2004 _____ Date  _____ Marjorie Ellis

BOX PCT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicant(s) submit(s) herewith patents, publications, or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose in accordance with 37 C.F.R. §1.56.

The filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner.

Submitted herewith is Form PTO-1449 (Modified) listing patents, publications, or other information for consideration by the Office.

COPIES PROVIDED:

Legible copies of all items listed on Form PTO-1449 accompany this information statement, except Copies of U.S. patents, U.S. patent application publications, copies of U.S. applications that were filed on or after June 30, 2003, and copies of U.S. applications that were filed before June 30, 2003 that are available in the Image File Wrapper System.

Under 35 U.S.C. §120, this application relies on the earlier filing date of prior application Serial No. [REDACTED], filed on [REDACTED]. The following references were submitted to and/or cited by the Office on this prior application and are therefore not required to be provided in this application:

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Information Disclosure Statement
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In accordance with 37 C.F.R. §1.98(c), a copy of only [] is being submitted with this Information Disclosure Statement, and is cumulative of the following patents or publications listed on Form PTO-1449:

FOREIGN LANGUAGE DOCUMENTS

There are no foreign language documents listed on Form PTO-1449.

The following non-English language references were cited in the specification and/or ISR. The English language equivalents/translations for these references are being submitted in substitution for and/or in addition to the non-English references.

English language abstract for the following non-English references are enclosed.
DE4226243

No English language translations of the foreign language patents, publications or information or parts thereof are readily available, except for those listed above.

Submitted herewith is an English language version of a search report listing information not in the English language and indicating the degree of relevancy found by the European Patent Office, in satisfaction of the requirement (under 37 C.F.R. §1.98(a)(3)) for a concise explanation of the relevance of non-English information.

A concise explanation of the relevance of the following listed non-English language information is included as presently understood by the individual designated in 37 C.F.R. §1.56(c) most knowledgeable about the content of the information as set forth below:

A concise explanation of the relevance of the following listed non-English language information is set forth in the above-identified specification:

CERTIFICATION:

The Information Disclosure Statement transmitted herewith is being filed **within** three (3) months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office Action on the merits, whichever event occurs last. 37 C.F.R. §1.97(b). Accordingly, it is believed that no certification or fee is due.

The Information Disclosure Statement transmitted herewith is being filed **after** three (3) months of the filing date of the application or the date of entry into the national stage of an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last but **before** the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311, whichever occurs first. Accordingly, I hereby certify that:

Each statement of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the statement; 37 C.F.R. §1.97(e)(1); **OR**

That no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge as the person signing this certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three (3) months prior to the filing of this statement; 37 C.F.R. §1.97(e)(2); **OR**

Applicant elects the option to pay the fee set forth in 37 C.F.R. §1.17(p) for submission of

Information Disclosure Statement
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an information disclosure statement under 37 C.F.R. §1.97(c). Please charge the **\$180.00** IDS submission fee to BASF Corporation **Deposit Account No. 02-1201**. A duplicate of this paper is enclosed.

The Information Disclosure Statement transmitted herewith is being filed **After a Final Action** under 37 C.F.R. §1.113, or **After a Notice of Allowance** under 37 C.F.R. §1.311, whichever occurs first, but **Before Payment of the Issue Fee**. Accordingly, I hereby certify that:

Each statement of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the statement; 37 C.F.R. §1.97(e)(1); **OR**

That no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge as the person signing this certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three (3) months prior to the filing of this statement; 37 C.F.R. §1.97(e)(2); **AND**

Applicant hereby petitions for consideration of this Information Disclosure Statement; 37 C.F.R. §1.97(d)(2)(ii). Please charge the petition fee of **\$180.00** to BASF Corporation **Deposit Account No. 02-1201**. A duplicate of this paper is enclosed.

The Commissioner is authorized to charge BASF Corporation **Deposit Account No. 02-1201** for any additional fees due hereunder.

Reg. No.: **33,772**


SIGNATURE OF ATTORNEY and DATE

Anne Gerry Sabourin

Type or print name of attorney

BASF Corporation

26701 Telegraph Road

P.O. Address

Southfield, Michigan 48034-2442

Tel. No.: (248) 948-2021

Customer No. 26922

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FORM PTO-1449 US DEPARTMENT OF COMMERCE
(MODIFIED) PATENT AND TRADEMARK OFFICE

Atty. Docket No. PAT-01077

LIST OF ART CITED BY APPLICANT
(Use sever of sheets if necessary)

In re Application of: Lüer, et al.

Serial No.:

Filed: December 13, 2004

U.S. PATENT DOCUMENTS

Examiner initial		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	6,168,865	1/2/01	Koster et al.	428	418	8/25/97
	AB						
	AC						

FOREIGN PATENT DOCUMENTS

Examiner initial		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATED YES NO	
	AD	DE 42 26 243	10.02.94	DE	C09D	175/04		X
	AE	WO00/73388	07.12.00	WO	C08L	75/04		X
	AF	EP 1 158 032	31.01.00	EP	C09D	201/02	X	

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AG	Technical Datasheet, Resydrol AM, XP002255728, 21. November 2000.
	AH	Technical Datasheet, Resydrol AX, XP002255729, 21. November 2000.
	AI	Technical Datasheet, Resydrol AF, XP002255730, 2003-09-25.
	AJ	English Abstract for DE 4226243, 1994-02-10
	AK	
	AL	
	AM	

EXAMINER _____ DATE CONSIDERED _____

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*Applicant has modified this form by deleting the word "prior".